

5159 Wheelis Drive
Suite 107
Memphis, TN 38117

Mr. Norman Saliba
Memphis and Shelby County
Office of Planning and Development

Re: Waiver Request from Article 5 of the UDC
McVay Road Property

To: Land Use Control Board

This letter provides a formal request seeking a waiver from Article 5 of the Memphis and Shelby County Unified Development Code (UDC). The specific request is to waive the requirement of fees-in-lieu of road widening and public improvements along McVay Road. It is our understanding that the Land Use Control Board (LUCB) is authorized to approve waivers of this type.

Our client seeks to subdivide their 30.005 acres of land into single family residential lots of 15,000 SF or larger. But only a small portion of the owners property (4.424 acres) is within City of Memphis Limits while the remaining 25.429 acres are within neighboring Germantown City Limits.

The attached Plan illustrates the location of our Memphis City Limits in relation to McVay Road. This graphic also illustrates the desired single family subdivision located in Germantown. Due to topographic considerations and the arrangement of the existing road network, vehicular access is provided from McVay Road. Two public roads are proposed from the new lots in Germantown across the short depth of land that parallels McVay Road. In the attached letter, The City of Germantown has agreed to maintain this short distance of roadways that links the residential lots to McVay Road, even though that ROW is actually within the City of Memphis.

While this seems to be an unusual request, it is important to understand the intent of this Master Plan. The developer seeks to subdivide their Germantown land into 50 residential lots and leave the land in Memphis as greenspace. This new buffer area prioritizes saving the existing tree cover that lines McVay Road. The greenspace in Memphis will be platted as COS A and COS B as shown on the attached graphic. It will be owned and maintained by a Homeowners Association comprised of the owners of the proposed single family lots.

Second, we should consider the ambience provided along this area of McVay Road and why it is important. The preservation of the trees and 2-lane McVay Road reinforces the rural character of the area. McVay Road has long been a notable ride as it is entirely tree covered and provides of glimpse of years past. We hope to preserve that look and feel. If approved, we have put forth provisions that this land will remain as greenspace in perpetuity.

The design team and the developer assembled a meeting of representatives of the OPD, Germantown Planning and Engineering. In that meeting, the team explained the above intent and reasons for requesting no fees-in-lieu of widening McVay. This letter is a result of decisions made in that May 10, 2016 meeting that also served as the Pre-Application Conference.

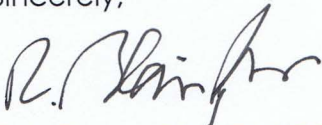
Also attached to the application is a letter from the City of Germantown which outlines a previous effort to widen and improve McVay road just north of this property. The City's plans were met by strong resistance from the surrounding neighborhoods that included both Germantown and Memphis residents. In the end, the City of Germantown vacated public funds and their design plans to improve McVay Road.

To gain approval of the proposed residential lots, this development will go through the standard Germantown approval process for a new subdivision. The process includes a review and approval by the Planning Commission as well as the Board of Mayor and Alderman.

In summary, we respectfully request your approval to waive fees-in-lieu-of public improvements of McVay Road with the following provisions:

- a. No Improvements will be made to McVay Road, the trees will remain intact.
- b. Two (2) public roads will be built and connect to existing McVay Road
- c. Germantown has agreed to maintain the short sections of roadway that connect to McVay Road therefore lowering the City of Memphis maintenance obligation for the rest of time.
- d. Two (2) Common Open Space (COS) areas will be platted, owned and maintained by a private Homeowners Association (HOA)

Sincerely,



Blair Parker, PLA, TN #300
Blair Parker Design, LLC.



CITY OF GERMANTOWN

TENNESSEE

1920 South Germantown Road, Germantown, TN 38138-2815
Phone (901) 757-7281 Fax (901) 757-7526 www.germantown-tn.gov

June 3, 2016

Memphis and Shelby County
Office of Planning and Development
Attn: Mr. Chip Saliba
Land Use Controls Manager
125 North Main Street, Ste. 468
Memphis, TN 38103-2084

Re: Proposed Residential Development (Allelon) Located on East Side of McVay Rd. at
Messick

Dear Mr. Saliba:

Please accept this letter as follow up to our meeting on May 10, 2016 concerning the project mentioned above. Two (2) main issues were discussed at length as follows:

1). **McVay Road Improvements** – McVay Road is classified by TDOT as a Major Collector. As properties along McVay Road have developed through the years, the roadway has been improved with curb/gutter and sidewalk to varying widths. In the vicinity of McVay/May Woods Ln intersection, a short segment of McVay has been improved to 48' width curb to curb. Moving northward, McVay is an unimproved, 20' wide rural cross-section road the 90 degree bend to the east. From McVay Cove eastward to another 90 degree bend to the north (approximately 4,600 ft), McVay Road alternates from improved to unimproved cross-sections of varying widths.

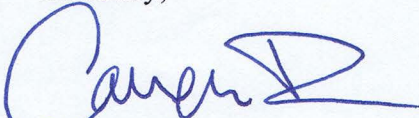
Previously, the City of Germantown's long-range plan for McVay Road included connecting the road to West Street. Also, the City intended to soften the 90 degree bend in McVay north of Messick with a roadway realignment and installation of a new bridge over the major drainage way. This realignment/bridge project was to include road widening that allowed for bike lanes and shoulders. The project was not going to be a full, urban cross section widening of 48' with curb and gutter. This proposed roadway safety and complete streets improvement project was met with much public opposition. Area residents wanted to keep/maintain the existing tree lined rural character of the area. The City chose not to proceed with the project and released its federal funding for the project. The City has no immediate plans to resurrect the project.

The developer, Boyle Investments is proposing a residential development project on the east side of McVay, south of Messick. They are proposing to dedicate right-of way along the McVay Road frontage without construction of roadway improvements and without payment-in-lieu improvements. For the reasons stated previously, we would support this project as proposed by recommending approval to our Planning Commission. However, we would encourage the developer to investigate potential opportunities for bike lane.

Proposed Residential Development (Allelon) Located
on East Side of McVay Rd. at Messick
June 3, 2016
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2). **Maintenance Agreement** – The City of Germantown suggests that an inter-governmental agreement between the Public Works Departments of Memphis and Germantown be established permitting Germantown to maintain the two (2) proposed roadway stubs into the development from the eastern edge of pavement of McVay Road. The rationale being that all property owners within the development will City of Germantown residents and will be calling GPW for maintenance of those access points.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cameron Ross", with a stylized flourish at the end.

Cameron Ross
ECD Director

A handwritten signature in blue ink, appearing to read "Tim Gwaltney", with a stylized flourish at the end.

Tim Gwaltney, P.E.
City Engineer